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Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 5 December 2005 from the Permanent Mission of the Bolivarian Republic of Venezuela to the United Nations addressed to the Security Council Committee established pursuant to resolution 1540 (2004)

The Permanent Mission of the Bolivarian Republic of Venezuela to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004), on the non-proliferation of nuclear, chemical and biological weapons, and has the honour to refer to his note dated 30 September 2005. With regard to the information on Venezuela contained in the matrix reflecting the provisions of resolution 1540 (2004), and with reference to our note verbale dated 7 November 2005, attached hereto is the matrix with updated information provided by the Atomic Energy Department of the Ministry of Energy and Oil, the National Integrated Customs and Tax Administration Service and the Armed Forces Armaments Department of the Ministry of Defence (see annex).

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Annex to the note verbale dated 5 December 2005 from the Permanent Mission of the Bolivarian Republic of Venezuela to the United Nations addressed to the Security Council Committee established pursuant to resolution 1540 (2004)

[Original: Spanish]

OP 2 — Biological Weapons (BW)

State: **Venezuela**

Date of report: 22 November 2005

Does national legislation exist which prohibits persons or entities from engaging in one of the following activities? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties and others*		*Remarks*
		YES	*If YES, indicate source document of national implementation law*	*YES*	*If YES, indicate source document*	
1	Manufacture/produce	x	Bolivarian Constitution, articles 129 and 324 Resolution No. 002 of 22 August 2000 (Official Gazette No. 5486 of 31 August 2000): Procedures and provisions for the use of explosives and similar substances		Penal Code, articles 273, 274, 275 Anti-terrorism act	
2	Acquire	x	Bolivarian Constitution, article 129		Penal Code, articles 273, 274, 275	
3	Possess	x	Bolivarian Constitution, article 129		Penal Code, articles 273, 274, 275 Anti-terrorism act	
4	Stockpile/store	x	Bolivarian Constitution, article 129		Penal Code, articles 273, 274, 275 Anti-terrorism act	
5	Develop	x	Bolivarian Constitution, articles 129 and 324		Penal Code, articles 273, 274, 275	
6	Transport	x	Bolivarian Constitution, articles 129 and 324		Penal Code, articles 273, 274, 275 Anti-terrorism act	
7	Transfer	x	Bolivarian Constitution, articles 129 and 324		Penal Code, articles 273, 274, 275 Anti-terrorism act	

Does national legislation exist which prohibits persons or entities from engaging in one of the following activities? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties and others*		*Remarks*
		YES	*If YES, indicate source document of national implementation law*	*YES*	*If YES, indicate source document*	
8	Use	x	Bolivarian Constitution, articles 129 and 324		Penal Code, articles 273, 274, 275 Anti-terrorism act	
9	Participate as an accomplice in above-mentioned activities					
10	Assist in above-mentioned activities					

OP 2 — Chemical Weapons (CW)

State: **Venezuela**

Date of report: 22 November 2005

Does national legislation exist which prohibits persons or entities from engaging in one of the following activities? Can violators be penalized?		*National legal framework*		*Enforcement, civil/criminal penalties and others*		*Remarks*
		YES	*If YES, indicate source document of national implementation law*	*YES*	*If YES, indicate source document*	
1	Manufacture/produce	x	Bolivarian Constitution, articles 129 and 324 Resolution No. 002 of 22 August 2000 (Official Gazette No. 5486 of 31 August 2000): Procedures and provisions for the use of explosives and similar substances. Presidential Decree No. 4086 of 16 November 2005 (Official Gazette No. 38315 of 16 November 2005): Establishment of the National Authority for the Chemical Weapons Convention		Penal Code, articles 273, 274, 275 Anti-terrorism act	
2	Acquire	x	Bolivarian Constitution, article 129		Penal Code, articles 273, 274, 275 Anti-terrorism act	
3	Possess	x	Bolivarian Constitution, article 129		Penal Code, articles 273, 274, 275 Anti-terrorism act	
4	Stockpile/store	x	Bolivarian Constitution, articles 129 and 324		Penal Code, articles 273, 274, 275 Anti-terrorism act	
5	Develop	x	Bolivarian Constitution, articles 129 and 324		Penal Code, articles 273, 274, 275	
6	Transport	x	Bolivarian Constitution, articles 129 and 324		Penal Code, articles 273, 274, 275 Anti-terrorism act	
7	Transfer	x	Bolivarian Constitution, articles 129 and 324		Penal Code, articles 273, 274, 275 Anti-terrorism act	
8	Use	x	Bolivarian Constitution, articles 129 and 324		Penal Code, articles 273, 274, 275 Anti-terrorism act	

Does national legislation exist which prohibits persons or entities from engaging in one of the following activities? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties and others*		*Remarks*
		YES	*If YES, indicate source document of national implementation law*	*YES*	*If YES, indicate source document*	
9	Participate as an accomplice in above-mentioned activities					
10	Assist in above-mentioned activities					

OP 2 — Nuclear Weapons (NW)

State: **Venezuela**

Date of report: 22 November 2005

Does national legislation exist which prohibits persons or entities from engaging in one of the following activities? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties and others*		*Remarks*
		YES	*If YES, indicate source document of national implementation law*	*YES*	*If YES, indicate source document*	
1	Manufacture/produce	x	Bolivarian Constitution, articles 129 and 324		Penal Code, articles 273, 274, 275 Anti-terrorism act	
2	Acquire	x	Bolivarian Constitution, article 129		Penal Code, articles 272-274	
3	Possess	x	Bolivarian Constitution, article 129		Penal Code, articles 273, 274, 275 Anti-terrorism act	
4	Stockpile/store	x	Bolivarian Constitution, articles 129 and 324			
5	Develop	x	Bolivarian Constitution, articles 129 and 324		Penal Code, articles 272-274	
6	Transport	x	Bolivarian Constitution, articles 129 and 324		Penal Code, articles 273, 274, 275 Anti-terrorism act	
7	Transfer	x	Bolivarian Constitution, article 129		Penal Code, articles 273, 274, 275	
8	Use	x	Bolivarian Constitution, article 129		Penal Code, article 140	
9	Participate as an accomplice in above-mentioned activities				Penal Code, article 140	
10	Assist in above-mentioned activities				Penal Code, articles 140 and 84	
11	Finance above-mentioned activities				Penal Code, articles 140 and 84	
12	Above-mentioned activities related to means of delivery					No delivery systems have been found to exist
13	Involvement of non-State actors in above activities				Penal Code, articles 140 and 84 Anti-terrorism act	

Does national legislation exist which prohibits persons or entities from engaging in one of the following activities? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties and others*		*Remarks*
		YES	*If YES, indicate source document of national implementation law*	*YES*	*If YES, indicate source document*	
14	Other		Bolivarian Constitution, article 324: only the State may possess and use military weapons		1. Penal Code, article 274 (weapons classified under the Weapons and Explosives Act) 2. Anti-terrorism act: also deals with supply	

OP 3 (a) and (b) — Account for/secure/physically protect NW including related materials

State: Venezuela

Date of report: 22 November 2005

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and others*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
1	Measures to account for production	x	Safeguards agreement between AIEA and Venezuela, to verify the physical inventory of nuclear material in the country			Venezuela does not produce either nuclear weapons or related materials
2	Measures to account for use					
3	Measures to account for storage	x	Safeguards agreement between AIEA and Venezuela			
4	Measures to account for transport					
5	Other measures for accounting					
6	Measures to secure production					
7	Measures to secure use					Radiological protection
8	Measures to secure storage					Radiological protection
9	Measures to secure transport		Act on the Handling of Dangerous Substances, Materials and Waste			
10	Other measures for securing		Organic Law on National Security, article 22: weapons, ammunition, explosives			
11	Regulations for physical protection of facilities/ materials/transports					

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and others*		
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	*Remarks*
12	Licensing of nuclear facilities/ use of nuclear materials		Ministry of Energy and Oil, Decree No. 2210, Technical Standards for Handling Radioactive Materials, 1992; Act on the Handling of Dangerous Substances, Materials and Waste, article 51			Permits/licences
13	Reliability check of personnel					
14	Measures to account for/secure/ physically protect means of delivery					
15	National regulatory authority	x	Ministry of Energy and Oil			Permits/licences
16	IAEA safeguards agreements	x	Safeguards agreement between AIEA and Venezuela in force since 11 March 1982			
17	IAEA Code of Conduct on Safety and Security of Radioactive Sources	x	Adoption currently under consideration			
18	IAEA Database on Illicit Trafficking of Nuclear Materials and other Radioactive Sources	x	AIEA Database is accessed			
19	Other agreements related to IAEA	x	Comprehensive Nuclear-Test-Ban Treaty 2002			
20	Additional national legislation/ regulations related to nuclear materials including CPPNM	x	Additional protocol to the safeguards agreement with AIEA, currently under review		Environmental Criminal Act Act on the Handling of Dangerous Substances, Materials and Waste (Act No. 55)	
21	Other					

OP 3 (c) and (d) and related matters from OP 6 and OP 10 — Controls of NW including related materials

State: Venezuela

Date of report: 22 November 2005

	Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of NW and Related Materials? Can violators be penalized?	*National legal framework*		*Enforcement: civil/criminal penalties, and measures of implementation, etc.*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
1	Border control					
2	Technical support of border control measures				X-ray machines have been installed at main customs points	
3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology					
4	Enforcement agencies/authorities			x	National Integrated Customs and Tax Administration Service (SENIAT) National Guard Ministry of Energy and Oil	
5	Export control legislation in place	x	Decree No. 2210, Technical Standards for Handling Radioactive Materials, 1992	x	Decree No. 2210 Administrative sanctions	
6	Licensing provisions		Decree No. 2210, Technical Standards for Handling Radioactive Materials, 1992			
7	Individual licensing					Licences
8	General licensing					
9	Exceptions from licensing					
10	Licensing of deemed export/visa					Licences
11	National licensing authority					
12	Inter-agency review for licences					

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of NR and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement, civil/criminal penalties, and measures of implementation, etc*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
13	Control lists					National Permanent Registry of Ionizing Radiation Sources and Equipment for Generating Ionizing Radiation (RNPFEGRI)
14	Updating of lists					
15	Inclusion of technologies					RNPFEGRI
16	Inclusion of delivery systems					
17	End-user controls		Act No. 55 Decree No. 2210			RNPFEGRI
18	Catch-all clause					
19	Intangible transfers					
20	Transit control					
21	Trans-shipment control					
22	Re-export control					
23	Control of providing funds					
24	Control of providing transport services					
25	Control of importation		Decree No. 2210			
26	Extraterritorial applicability					
27	Other					

OP 3 (c) and (d) and related matters from OP 6 and OP 10 — Controls of CW including related materials

State: **Venezuela**

Date of report: 11 November 2005

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of CW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and measures of implementation, etc.*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
1	Border control	x	Decree No. 3679 of 28 June 2005 on customs duties			
2	Technical support of border control measures		Bolivarian Constitution, article 129		X-ray machines are being installed at main customs points	Page 3 of the report
3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology					
4	Enforcement agencies/authorities	x	National Customs and Tax Administration Service (SENIAT) Ministry of Energy and Oil Armed Forces Armaments Department (DARFA)		SENIAT	Page 3 of the report
5	Export control legislation in place	x	Decree No. 3679 of 28 June 2005, based on the substances regulated by the Chemical Weapons Convention			
6	Licensing provisions					
7	Individual licensing					
8	General licensing					
9	Exceptions from licensing					
10	Licensing of deemed export/visa					